

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RYAN GREKO,

Plaintiff,

v.

DIESEL U.S.A., INC.,

Defendant.

Case No. 10-cv-02576 NC

ORDER RE: FURTHER BRIEFING

Re: Dkt. No. 159

On March 6, 2013, the Court held a hearing and took under submission plaintiff's motion for final approval of the class action settlement, attorneys' fees and costs, and class representative's incentive award. The Court hereby orders the parties to submit supplemental briefing on the following issue.

The settlement agreement in this case includes a *cy pres* provision which states that "In the event a CLASS MEMBER cannot be located or fails to cash the check sent to him or her within 180 days, the ADMINISTRATOR will cancel the payment to that CLASS MEMBER and dispense all such funds under the *cy pres* doctrine to a charity mutually-selected by the SETTLING PARTIES, that is in an area of legal aid that addresses, among other things, employment issues, and that is approved by future Court order." Dkt. No. 150-1 ¶ 4.3. The parties have not identified any proposed recipient(s) for the *cy pres*

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1 distribution. The parties must meet and confer to discuss such recipient(s), and must notify
2 the Court by joint letter brief, within 14 days of the date of this Order, of the proposed
3 recipient(s) and why those recipients meet the requirements for approval of *cy pres*
4 distribution set forth in *Dennis v. Kellogg Co.*, 697 F.3d 858, 865 (9th Cir. 2012).

5 IT IS SO ORDERED.

6 Date: April 11, 2013

7 
Nathanael M. Cousins
United States Magistrate Judge